



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
Chesapeake Bay Program Office  
410 Severn Ave., Suite 109  
Annapolis, Maryland 21403

August 20, 2007

Ms. Mary Colligan  
Assistant Regional Administrator  
National Marine Fisheries Service  
One Blackburn Drive  
Gloucester, MA 01930-2298

Re: U.S. EPA Region III *Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries –2007 Addendum*

Dear Ms. Colligan:

The purpose of this letter is to provide you with supplemental information for the *Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity and Chlorophyll a for the Chesapeake Bay and its Tidal Tributaries (Regional Criteria Guidance)* issued by the U.S. Environmental Protection Agency, Region III (EPA) in April 2003. The *Regional Criteria Guidance* was formally consulted on between our respective agencies pursuant to Section 7(a)(2) of the Endangered Species Act (ESA).

EPA is currently in the process of publishing a second addendum to the *Regional Criteria Guidance* document. At the time of the April 2003 publication of the *Regional Criteria Guidance* document, a number of issues still remained to be worked through, resolved and documented. Following the 2006 303(d) listing process, the Chesapeake Bay Program's Water Quality Steering Committee directed the Criteria Assessment Procedures Workgroup to draft a Bay criteria addendum document addressing issues uncovered during the states' 2006 listing of impaired tidal Bay waters. Water quality standards program managers and coordinators from the seven watershed jurisdictions - New York, Pennsylvania, Maryland, Delaware, Virginia and West Virginia and the District of Columbia - and EPA's Office of Water, Region 2 and Region 3 took on the responsibility on behalf of the Chesapeake Bay watershed partners to work through these issues collectively. This work was largely in support of the four jurisdictions who are responsible for adopting the published Chesapeake Bay water quality criteria, designated uses and criteria attainment procedures into their states' water quality standards regulations. All seven watershed jurisdictions have reviewed and approved the 2007 *Bay Criteria Addendum* for publication by EPA. Your staff can access the document through the Chesapeake Bay Program's website at <http://www.chesapeakebay.net/baycriteria.htm>.

The information presented in the 2007 *Bay Criteria Addendum* does not change the original 2003 *Regional Criteria Guidance* in a way that causes an effect to the endangered shortnose sturgeon (*Acipenser brevirostrum*) that was not already considered in the Biological



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Opinion issued on April 16, 2004, by NOAA National Marine Fisheries Service. EPA believes that the *Bay Criteria Addendum* does not change the original Bay water quality criteria and does not change the final Biological Opinion in any way that would constitute a need for a re-initiation of ESA consultation.

In September 2007, EPA anticipates publishing a third addendum to the original 2003 *Regional Criteria Guidance* addressing numerical chlorophyll *a* criteria and supporting reference concentration thresholds. We will separately address that criteria addendum document addendum through similar correspondence with you.

In the coming months, EPA anticipates receiving the proposed revised state water quality standards regulations for approval from the four Bay jurisdictions. These proposed standards regulations revisions are the results of the regularly scheduled states' triennial reviews. We anticipate each jurisdiction adopting the recommendations contained within the 2007 *Bay Criteria Addendum* by reference within their standards regulations. Our EPA Region 3 water quality standard coordinators will be contacting you and your staff to continue the consultation process on each individual state's water quality standards regulations as agreed by our respective agencies during the original 2003 *Regional Criteria Guidance* formal consultation.

If you have any questions or require additional information, please contact Richard Batiuk, Associate Director for Science, Chesapeake Bay Program Office at (410) 267-5731.

Sincerely,

Jeff Lape, Director  
Chesapeake Bay Program Office

cc: Jon Capacasa, Director, EPA Region 3 Water Protection Division  
Robert Koroncai, Associate Division Director, Office of Standards, Assessment and Information Management, Water Protection Division  
Cheryl Atkinson, EPA Region 3 Water Quality Standards Coordinator  
Richard Batiuk, Associate Director for Science, EPA Region 3 Chesapeake Bay Program Office  
Julie Crocker, NOAA National Marine Fisheries Service